

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 192 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?
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CHANDRAPRAKASH K SINDHI

Versus

STATE OF GUJARAT

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Appearance:

MR YN OZA for Petitioner  
MR KP RAVAL, APP for Respondent

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CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 01/04/99

ORAL JUDGEMENT

Heard learned counsel for the petitioner,  
Mr.Y.N.Oza and learned APP for the State, Mr.K.P.Raval.

In this case, the order passed by the Supreme Court is as follows:

"We do not consider this to be a fit case for

granting special leave. But we are told that the Government has not so far disposed of the application made by the petitioner. The High Court had directed the Government to dispose of that application within four months. Not only that, period of four months had passed but one month's extension granted by the High Court is also over. We, therefore, direct the Government to dispose of the petitioner's application within two weeks from today.

The petitioner is ordered to be released on bail, till his application is decided, to the satisfaction of Judicial magistrate First Class, Dahod".

Therefore, the present petitioner-original accused has preferred bail application before the Court below and in turn, Court below has released the accused on bail. But, unfortunately, he misinterpreted the order of the Supreme Court and, therefore, he has granted bail for a period of fifteen days only. As such, the direction given by the Supreme Court is to dispose of the petitioner's application within two weeks from the date of passing the order and the petitioner should be ordered to be released on bail till his application is decided by the authority, i.e. the State Government. Instead of granting limited bail for a limited period, the duty of the learned Judicial Magistrate First Class was to pass the order regarding the bail amount. Instead of doing so, he has crossed his limit by granting bail for limited period. Hence, I pass the following order:

Judicial Magistrate First Class, Dahod is hereby directed to pass appropriate order keeping in mind the order passed by the Supreme Court on 22-2-1999 in the Special Leave to Appeal (CRL) No.503 of 1999 by cancelling the non-bailable warrant issued by him against the petitioner and releasing him on bail for appropriate period, i.e. for a period till the authorities of the State Government decide the application of the petitioner.

This Criminal Revision Application stands disposed of accordingly.

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